

THE BENNINGTON EVENING BANNER

EIGHTEENTH YEAR—NO. 4221.

BENNINGTON, VT., TUESDAY, OCTOBER 4, 1921.

PRICE 2 CENTS; 12 CENTS PER WEEK.

It Is Easy to Find Temptation Anywhere On Earth. The Only Way to Avoid Temptation Is to Keep Busy Doing Something Useful

BANKED BILLIONS WILL GO FORTH TO HELP BUSINESS

Leaders in Financial World Say
Future Is Bright

PESSIMIST OUT OF PLACE

Bankers Claim Things not so
Badly out of Joint as
a Year Ago

Los Angeles, Calif., Oct. 4 (By the Associated Press).—The disposal of billions of dollars by some \$24,000 banks was cheerfully discussed today at the opening session of the annual convention of the American Bankers' association.

Things are looking better, times are not so badly out of joint as they were a year ago, irrepressible forces are working in the overturning of these billions of dollars toward more prosperity and the pessimist is out of place, according to the leaders in the nation's financial world.

5000 ATTEND OPENING
DAY OF STATE FAIR

Larger Part of Program Carried out
In Spite of Rainy
Weather.

White River Junction, Oct. 3.—The rain of the afternoon failed to keep away on the opening day of the Vermont State fair 5000 people and they witnessed the carrying out of the program with the exception of the completion of the two races scheduled and the open air vaudeville acts.

On Wednesday the granite manufacturers of Quincy, Mass., are to be entertained throughout the day by the Barre Granite Manufacturers' association. The Quincy men are coming to the fair expecting to view the granite exhibit made by their northern competitors.

The management have made the former Odd Fellows dining room, under one of the grand stands into a cafeteria which will seat 400 people at one time and have arranged with J. F. Aulis, who conducts the cafeteria at Dartmouth College, and has had a life-long experience in this business, to assume charge.

The sheep pen are full and the secretary has been forced to turn away 200 head on account of lack of proper accommodations. In this department are 250 entries.

Oxen and steers will occupy one of the former cattle sheds that is still left standing and situated at the south end of the fair ground proper, and there are several fine yokes of the different breeds.

BRATTLEBORO BLOCK BURNS

Several of the Occupants Escape in
Night Clothes.

Brattleboro, Oct. 4.—Hugh Agnew's custom laundry on Elliot street and the building it occupied were destroyed by fire Sunday morning and the building was badly damaged by fire and water, the aggregate loss being \$15,000 or more.

Both buildings were owned by Mr. Bushnell and were three stories high on the street and five stories in the rear.

Mr. and Mrs. Bushnell and five children and Miss Beatrice Temple, who occupied sleeping rooms over the store and John Carter and Mr. and Mrs. Harold Smith, who lived over the laundry, escaped in their night clothes, the smoke being so dense in their rooms when they were awakened that they were unable to save anything.

TOO LATE TO CLASSIFY

FOR SALE—Hawthorn hamper in good condition. Apply 502 Pleasant St.

FOR SALE—Pigeon, \$3.00 each. Green Mountain seed potatoes certified. Little's potato digger used but little. Guaranteed. J. H. Peters, North Bennington, Vt., phone 133-15.

FOR SALE—Baby's natural wicker cradle in good condition. Rocking chair for small child, leather seat with back. Baby's white enameled play pen, practically new. All reasonably priced. Inquire at 105 Valentine St.

FOUND—Saturday night, small sum of money. Owner may have same by identifying and paying for this advertisement. A. J. Dewey.

LOTS—Monday morning between street school and high school, bottom of a Waterman fountain pen. Finder please return to Banner Office.

Wanted—Married couple to look after elderly lady, house rent, heat and other expenses free. Comfortable house. Inquire William H. Wills, phone 500, Bennington.

WANTED—Nationally known manufacturer of gasoline and oil storage equipment for factories, mills, railroads, etc., has valuable territory open for capable salesman. Personal acquaintance among industrial trade and factory equipment sales experience. Advantages State references, past experience. Mr. Benn, 1034-26 Marbridge Bldg., 31th & Broadway, New York City.

WANTED—Salesman, capable, reliable, experienced, especially salesman in local territory. Big earnings. Garage, store, factory trade. Permanent position. Mr. Benn, 1034-26 Marbridge Bldg., 31th & Broadway, New York City.

SMALL NATIONS DON'T APPROVE OF RIGID BLOCKADE

Raise Opposition to Use of Big
Weapon of League

GREECE LEADS IN FIGHT

Seeking to Bring about Amend-
ment of Article 16 of
Covenant

Geneva, Oct. 4. (By the Associated Press).—Eight small states, members of the league of nations, in today's assembly resumed their fight against a too rigid application of blockade regulations which are prescribed as one of the weapons to be used by the league against a state which has violated the covenant.

Greece is especially active in an effort to bring about an amendment to article 16 of the covenant of the league so that no state can initiate a blockade of its own accord without previous notification from the council of the league that the blockade of the covenant breaker is in order.

Several amendments proposed by the committee were adopted without modification. The principal changes were in provision for adjustment of blockade by particular states which in the judgment of the council run too great a risk from a neighbor which has violated the covenant.

LONG SENTENCE FOR WOMAN

Mrs. Nellie Wilson Pleads Guilty to
Serious Offense.

Brattleboro, Oct. 4.—Mrs. Nellie Wilson of Claremont, N. H., pleaded guilty in Windham County court yesterday afternoon to the charge of attempting to perform a surgical act. Judge Frank L. Fish imposed a sentence of not less than three years nor more than eight years in the state prison, but on account of an incurable ailment with which the respondent is afflicted the prison sentence was suspended and Mrs. Wilson was placed on probation during good behavior.

Mrs. Wilson was arrested in 1917 and was placed under bonds of \$2000. When the case was called bail was forfeited and was paid. She was a fugitive three years, but last January she was arrested in New Bedford, Mass., where she was located by Deputy Sheriff George P. Alexander of Saxtons River. Since then she has been in Newfane jail.

EAST DORSET

James Beebe, Jr., was in Bennington Sunday.

Miss Alice Brophy returned home from Rutland Saturday.

Mr. and Mrs. David Hill are in South Shattsbury visiting relatives.

Mrs. E. L. Whitney, who is teaching in Barnumville was home for over Sunday.

Mrs. Mattie Loveland, who has been in Bennington for several weeks, arrived home Sunday.

Miss Louise Gridley of Montpelier was a guest last week of Mr. and Mrs. Dale Donahue.

Mr. and Mrs. Ezra Benson of Rutland were guests Sunday of Mr. Benson's mother, Mrs. Alice Benson.

Misses Clara and Lois Whitney and Hilda Beland were home from the seminary over Sunday.

Messrs. G. L. and Ernest Gregoire, A. F. Day, George Wilford and W. North were in Barre Saturday and Sunday.

From Here and There

Cecil Smith suffered with a lame back the latter part of the week—Jewell.

Iva Jordan keeps his barn more tidy than some folks do their kitchens.—No. Buffalo.

Mr. C. M. Tuller and Ruby Lewis called at Jim Peterson's Monday forenoon to hear the old Edison—one's hard to beat. Prairie City.

Clint Blacker wants to run some a foot race since he had the rheumatism boiled out of him at Waconda Springs.—So. Brown's Creek.

Harry Horstman is the possessor of a new Ford roadster, having purchased it last week. We do not know what his prospects are, but Harry is one of the "elaborates". Aurora.

Luck Miller has a tooth that has swelled his cheek as though he had a baseball in there. The dentist borrowed distilled water that had a little sulphuric acid in it.—Jewell.

Sunday school was a drag last Sunday on account of the superintendent getting hit with a ball at Batson last Saturday and not being able to attend.—Clarksville.

Tides Dispose of Sewage.

In Boston and many other coast cities the tides are utilized in the disposal of sewage, part of which is held in reservoirs until strong outgoing tidal currents have developed. Before the turn of the tide the sewage has been carried so far that it has become mixed with an immense body of ocean water and is rendered harmless.

JUNIOR ACHIEVEMENT BUREAU

Bennington Young People Take Many
Prizes at Springfield Exhibit on.

The people of Bennington community were interested to learn of the excellent showing by the Achievement clubs of Bennington at the Eastern States exposition held at Springfield, last week.

C. Kenneth Carpenter and Ernest Hamilton, the team representing the Bennington brush-up lettering club won first honors in the lettering exhibit and a cash prize of \$15. Their lettering and demonstrations were unusually good and it was a matter of comment about the exhibition grounds that these two amateurs were doing better work than the professional sign writers.

The exhibit of the Willing Workers Achievement club of which Mrs. Florence Moses is leader, won third prize for the best millinery exhibit in the Junior Achievement department. The millinery exhibits were of an unusual high order and the winning of third place was a high honor. First place in this contest was won by the Happy Hat workers of Brattleboro and second place by the Olivet Community club of Springfield.

Second prize in a special exhibit and demonstration of city agriculture was taken by the Bennington Poultry Achievement club. The demonstration of this team always drew and held a good audience. A feature of the demonstration which appealed especially to city people was the explanation of the points to be considered in buying poultry on the market. W. C. Warren introduced Ralph Thompson, who explained these points, also Floyd Harmon, who demonstrated the points of the egg laying hen. Walter Wood was their leader.

Earl Chase, the assistant secretary of the Y. M. C. A. who accompanied the poultry boys was made song leader for the Junior Achievement department and his excellent work in this capacity was highly appreciated by everybody. Mr. Chase, for his unusual service, was awarded a watch fob by O. H. Benson, director of the Junior Achievement bureau.

THIS IS THE WEEK
YOU VISIT SCHOOLS

Parents and Others Interested Have
Special Invitations to
Call.

This is the officially designated "school week" throughout the state of Vermont. The purpose is to thoroughly acquaint citizens with the needs, conditions and achievements of their schools. They are at all times invited to visit the schools, but especially during this week. Special programs will be prepared, mostly for parents, in the various public schools and in institutions set up for the purpose. Failure to get a special invitation is no excuse for failure to make a visit, and visiting need not be limited to the afternoons designated.

Through an error, no material dealing with "school week" from the commissioner's office reached the local superintendent until last Saturday, but the teachers expect to overcome this handicap.

The annual convention of the State Teachers' association will occur next week—Wednesday, Thursday and Friday at Rutland.

The Bennington trustees have made the usual appropriation of ten dollars toward the expenses of each local teacher who attends the convention, and it is probable that most of them will take advantage of the offer.

Several local names appear on the program. Miss Marion A. Dean of the high school is a member of the executive committee; Supt. D. W. McClelland is a member of the executive committee; Miss Lillian Edgerton of the graded school is to be chairman of the conference of primary teachers, and Miss Brigid L. McGuire of the junior high school will lead the discussion in the conference of intermediate teachers. A brief synopsis of the program has already appeared in the columns of the Banner.

STRIKERS RESTRAINED

Temporary Injunction in Force at
Bellows Falls.

Bellows Falls, Oct. 4.—A temporary injunction secured through Attorneys Judge T. E. O'Brien and G. A. Weston and issued by Chancellor F. L. Fish was yesterday afternoon served by the International Paper company on Wilder, T. Lodge, No. 11 International Brotherhood of Pulp Sublime and Paper Mill Workers and Wilder Lodge No. 29, International Brotherhood of Paper Makers and on individuals now on a strike at Wilder, the serving of which by Sheriff Fairbanks of Springfield.

A strike has been in force at the company's Wilder mill since last May. Two hundred or more strike-breakers are operating the mill but are being housed and fed on the company's property. The injunction restrains from picketing, congregating near the mill, acts of violence or interfering with or hindering the company from carrying on its business. A hearing on the injunction will be held before Judge Fish at Newfane October fourteenth.

THE WEATHER

Fair and cooler tonight, probably light frosts; Wednesday fair, continuing cooler.

Card of Thanks.

We hereby wish to thank our many friends and neighbors who so kindly assisted us in our recent bereavement. We also wish to thank all who sent flowers and mass cards—Mrs. George Bushbee, Mrs. Henry Hebert, Alfred Bushbee, Ozire Bushbee.

MINERS CONDEMN ACTS OF LEGION MEN IN STRIKES

Demand Punishment of New
Order's Officials

VIGOROUS RESOLUTIONS

Tyranny Through Force Con-
trary to Constitution of Na-
tion and Organization.

Indianapolis, Oct. 4.—Although refusing to condemn the American Legion because of alleged strike-breaking activities of some of its members, the convention of the United Mine Workers of America yesterday adopted resolutions committee report calling on Legion officials "to put their house in order." The action came after several delegates had appealed vehemently for the convention to go on record in unqualified condemnation of the Legion.

The committee report cited Legion's constitution as proof that the World War veterans' organization "shall be a force of law and order" adding that acts of individual members had justly brought condemnation on the Legion. The Legion members through force is in "direct violation" of the federal constitution as well as that of their organization.

"We, therefore, call upon the proper officials of the American Legion," said the report, "to put their house in order by adopting some proper and effective punishment of its members who violate the constitution, and weaken the force of the Legion and tend to bring it into disrepute. The American Legion is organized for a good purpose, but has been used for bad practice and, being an infant organization, we feel it unwilling at this time to condemn or endorse."

The committee report was among those made or more than 100 resolutions sent to the convention for consideration by local posts throughout the country. Among the resolutions adopted were those favoring immediate nationalization of coal mines and railroads, the repeal of the espionage laws and amnesty for all "political prisoners" and self-determination for Ireland.

The convention side-stepped taking a stand on prohibition when the issue was brought up by resolutions favoring light wines and beer. No action was taken on these resolutions, the committee advising such a course with a statement that the prohibition question "is purely a social question," on which each citizen has his own views.

Resolutions, regarded by delegates as manifesting radical tendencies, were rejected outright.

NORTH BENNINGTON

Henry Barney of Shaftsbury was in town Monday.

Mr. and Mrs. Clarence Parker returned Saturday from their wedding trip.

James Menzies of Waterford, N. Y., spent Sunday with Mr. and Mrs. Earl White.

Miss Stella Eldred of Bennington was a Sunday guest of Mrs. Michael Powers.

Jerome Horton of Manchester was the guest of his sister, Mrs. J. E. Mosher Sunday.

Mrs. James Humphrey and daughter, Miss Martha Humphrey spent Saturday in Bennington.

Miss Sabina Howe, stenographer at the Allen A. mill, Bennington, is at her home on Factory street.

Mr. and Mrs. Harry White of Bennington visited at the home of his parents, Mr. and Mrs. Luman White Sunday.

The annual meeting and roll call of the Congregational church will be held at 7:30 o'clock on Thursday evening. Light refreshments will be served.

BONDVILLE

Several from this place attended the fair at Brattleboro last week.

L. G. Roberts is buying cider apples which are sent to New York state.

Clarence Wilder and Miss Bertha Chamberlain were married at Wardsboro, Wednesday, Sept. 28.

The Winhall Industrial society will hold their fair Wednesday, October 5. The Londonberry band will furnish the music. There will be a ball game between the Jamaica and Newfane boys. There will be dancing on the grounds and a dance in town hall in the evening.

Awful Moments.

Anxious to get to church on time, as an interesting sermon on gambling was scheduled, I hustled around getting ready. Opening a bureau drawer I grabbed what I thought was my prayer book and rushed over to the church. Marching down the aisle I accidentally dropped my muff, and, instead of my prayer book, a deck of cards came tumbling out and scattered in all directions. To make matters worse, the back of the cards bore the ad of a prominent brewery—Griff.

PROMOTION DAY

Presentation of Bibles at Baptist
Church School.

Promotion Day was observed in the Baptist church school on Sunday, when the oldest members of the cradle roll were promoted to the beginners department, and the beginners, primary and junior classes showed by their knowledge of Bible verses and stories that they had earned their promotion to the higher department.

The following graduates from the primary to junior departments were presented with Bibles: Arthur Rosier, Lloyd Fleming, Blanche Surdam, Arthur Delinde, Floyd Remington, Asa Thomas, Lawrence Sumner, Beulah Steen, Barbara Cummings, Marian Jackson, Douglas Hilton and the following eight children were presented with Bible story books, as a special reward for perfect attendance for a year: Mary Bootman, Joel Towart, William Towart, Arthur Rosier, Mary Rosier, Beulah Steen, George Steen and Stanton Lovett.

ALEXANDER-COLE

Bennington Girl Becomes Wife of Rut-
land Young Man.

A pretty wedding took place at St. Francis de Sales church at 7:30 o'clock Monday morning when Miss Mary J. Cole, daughter of Vernon R. Cole, and James W. Alexander of Rutland were united in marriage by Rev. T. R. Carty at nuptial mass.

The bride was attended by Miss Henrietta Alexander of Rutland, sister of the bridegroom. James A. Kelly of Burlington acted as best man. The bride wore a blue Canton crepe dress and a black picture hat and carried a white prayer book.

After the ceremony a wedding breakfast was served at the home of the bride for immediate relatives and friends of both families.

The bride is a graduate of the local high school and during the last four years has been employed in the Bennington office of the Rutland Railroad company. The bridegroom is a Rutland railroad trainman and during the war was overseas with the American expeditionary forces.

Mr. and Mrs. Alexander were the recipients of many beautiful gifts, including silver, cut glass and a purse of money. They are now on a wedding trip to Montreal and the middle west. The bride's traveling suit was of navy blue broadcloth with trimmings of grey fur.

Mr. and Mrs. Alexander have a host of friends who wish them a long and happy married life.

LEAD PENCIL WOOD

BECOMING SCARCE

Over 750,000,000 Pencils Manufactured
Yearly—Thousands of Cords
of Wood Used.

Where do all the lead pencils come from and where do they go? Although almost everybody has one, many folks never buy one, but even so, more than 750,000,000 are manufactured for use in the United States every year, using up many thousands of cords of wood.

But woods suitable for lead pencils are becoming scarcer and many manufacturers are turning to paper, Red Cedar and Red Juniper, says the American Forestry association as the woods chiefly used in making lead pencils. A hunt is on for other kinds of wood that will take the place of these. In East Africa a kind of cedar has been found with which experiments are being made. The production in the United States is about 80,000 cases of pencil shafts per year. From each case 100 gross of pencils are made. This results in about one billion pencils of American grown cedar. Since one fourth of this number is sent to foreign countries that leaves 750,000,000 pencils for the home market, which means an average of seven pencils per person figuring on the last census.

As far back as history goes man has tried to make things to mark with and to set down his thoughts. The Aztecs and the Pharaohs had crude marking devices. As early as 1750 Kalm, a Swedish naturalist, made experiments with American cedar. In 1812 William Monroe made 500 pencils at Concord and sold them in Boston but the war stopped his plans. In 1861 Eberhard Faber began marking pencils on a large scale in this country.

The graphite which makes the mark is of course the important part in the manufacture of the pencil. Ceylon has furnished much of the graphite used in this country. Graphite is also found in Madagascar and in Mexico. Czechoslovakia contains deposits of both the amorphous and crystalline graphite. In the United States the chief deposits are in Alabama, New York and Pennsylvania.

SOME NEW FICTION

Recent Additions on Shelves at Pub-
lic Library.

New fiction at the Public Library includes the following:

"The Obstacle Race" by Dell.

"The Master of Man" by Hall Caine.

"Quill's Window" by McCutcheon.

"The Pride of Palomar" by Kyne.

"The Empty Sack" by Basil King.

"Jelen of the Old House" by Wright.

"Quint" by Rice.

"Galusha the Magnificent" by Lincoln.

"Pagan Madonna" by McGrath.

"Black Bartley's Treasure" by McCutcheon, and "Steele of the Royal Mounted" by Curwood, have been presented to the public library by Dr. H. S. Goodall.

BENNINGTON WON 23 OF ITS 37 GAMES DURING SEASON

Team Largely Made up of Home
Players Had Good Record

HAS A FEW UNPAID BILLS

Deficit Is Small and Will Be
Wiped out by Benefit
Entertainment

The Bennington baseball team which closed its schedule October 2 completed one of the most successful seasons in the history of the sport in Bennington. The team played 37 games and won 23. The team was largely composed of resident players. When organization plans were in progress it soon became evident that there were positions that could not be filled satisfactorily from among the candidates available. To balance the nine properly it was necessary to use three and sometimes four out of town players. Prindle of Willamstown, who played with professional teams years ago, was with the team during the entire season and for a number of weeks was field manager. William Burns of Dorset played right field or pitched until the opening of the University of Vermont where he is to graduate next June. Richard McGuire, a Bennington boy, was also compelled to leave the team with the opening of U. V. M. King, an Arlington boy employed in Pittsfield, closed the season with a creditable record. With these four exceptions the team was composed of local players.

The total gate receipts for the season were in the vicinity of six thousand dollars. Expenses were high, however, and there is a small deficit that will have to be met. The players were paid regularly and there are but a few outstanding accounts. To meet these it has been decided to give a benefit entertainment, "O. C. Cady," at the Opera House two evenings during the latter part of the month.

The management began the season with a total capital of \$32. It was necessary to buy uniforms, bases, balls and bats, protector and mask and to make many incidental expenditures before the team made any kind of a start. Guarantees to visiting teams were double and in some cases three times the amounts paid during the days of the professional team. Taking these facts into consideration it is evident that the finances have been carefully managed.

The team would have made an even break but for one circumstance. Bennington like all small towns begins to show increased interest toward the end of the season. They want to see some "real class" and in this respect they have been accommodated. Ray Collins, the former Boston American League star, pitched the team through one winning game and two of the star twirlers of the pennant winning Pittsfield aggregation in the Eastern League also performed on the mound. Stars always come high and the extra expense created for the closing games is responsible largely for the deficit in the treasury.

No better ball games have been played in Bennington than those in which the local team took part during the season just closed. The members of the team naturally lacked the professional finish but every one of them had a good working knowledge of the game and gave the best that he had. With so many home boys in the line up it is not too much to say that the team made the best record in the history of the game in Bennington.

LOSSES IN EARNINGS

EXCEED SIX BILLIONS

Estimate Made by Experts Attending
National Conference on
Unemployment.

Washington, Oct. 4. (By the Associated Press).—Losses in earnings throughout the country during the last fiscal year due to involuntary idleness are placed at over six and one-half billion dollars by the economic experts in attendance at the national conference on unemployment.

Efforts of the conference, it was said today, would be turned toward the discovery of a remedy for the economical loss to the country from reductions of the earning power of its workers in future by more stabilized industrial plans.

AUTO FALLS 40 FEET

Six Occupants of Car Receive Only
Slight Injuries

Montpelier, October 4.—Dropping through the air for 40 feet, an automobile containing Mr. and Mrs. Charles N. Bennett of Montpelier, Miss Ruth Bennett, two small children and a Mr. Guernsey, aged 85, landed in the Waterville river near Stowe Sunday afternoon.

The most serious injury sustained by any of them was dislocated shoulder, Miss Bennett, who was driving the car, was uninjured. Mr. Bennett, who sustained the dislocated shoulder, was also out on the left knee. Mr. Guernsey received a scalp wound, and Mr. Guernsey and the children were only slightly injured. The steering gear is said to have broken. The accident happened on a curve.

Women Occupied Whole Train.

The first train wholly occupied by women in the history of railroad travel was that chartered by a Massachusetts delegation to attend the women's congress held in Chicago at the time of the World's fair in that city.

WHITINGHAM DAM PROJECT IS CAUSE OF LEGAL ACTION

Claim Work Started on Deer-
field River Will Cause
Loss of \$400,000

RESTRAIN BIG POWER CO.

Litigation Involving the big Whit-
ingham dam project and the consti-
tutionality of Act No. 318 of the
acts of the Vermont legislature, 1908
was begun Saturday at Brattleboro,
when the Housac Tunnel & Willing-
ton Railroad Co. brought a complaint
in equity in the United States court
for the district of Vermont against
the Wilmington Power & Paper
Co., the Deerfield River Power Co.,
the New England Power Co., the New
England Company of Maine, and the
Lower Construction Co., which asks
that Act No. 318 be declared un-
constitutional and that the court
issue an injunction restraining the
defendants from constructing and main-
taining a dam upon any part of the
plaintiffs' railroad or property or
trespassing upon or flooding the
plaintiffs' right of way.

The complaint, which is signed by L. M. Kellogg of Malone, N. Y., treasurer of the plaintiff railroad company, son of President John P. Kellogg of Albany, N. Y., and by Attorney H. G. Barber of Brattleboro as solicitor for the plaintiff, was served on Attorney Harold E. Whitney, clerk for the Wilmington Power & Paper Co. and the Deerfield River Power Co. Service on the other defendant companies, which are so-called foreign corporations, will be made by filing the bill of complaint with the secretary of state at Montpelier.

After setting forth the incorporation of the Deerfield Valley Railroad Co. in 1890 and the construction of the railroad on the easterly bank of the Deerfield river from Readsboro past the hamlet of Mountain Mills, a distance of about 12 miles the complaint says that about Dec. 28, 1895, the plaintiff company was organized under the laws of Massachusetts to construct and operate a railroad from Housac Tunnel up the easterly bank of the Deerfield to the Vermont line, a distance of eight miles, which was done, and in 1892 the legislature of the two states authorized the Housac Tunnel & Wilmington company to acquire the Deerfield Valley railroad, which was done the road being since operated between Housac Tunnel and Wilmington, being an interstate railroad.

In 1908 the Vermont legislature passed Act No. 318, incorporating the Wilmington Power & Paper Co. and giving it the right to construct dams across the Deerfield river and branches in Vermont for developing power and to buy lands for that purpose and to flow or move public highways, bridges, cemeteries, railroads, etc.

For 20 years, the complaint says, large expenditures have been made in ballasting the roadbed to prevent settling, and that trouble has been materially overcome although not entirely so.

It is asserted in the bill that the defendants propose to move the plaintiff's railroad and erect a dam 200 feet high across the plaintiff's road and set the waters back over the main line tracks about 12 miles, some parts of which would be under water to a depth of over 150 feet. It is planned to move the tracks in some places over a mile to such location as the defendant may see fit which it is claimed would leave the roadbed soft and spongy and require about 20 years additional ballast at a cost of many thousands of dollars.

The dam would flood out the plaintiff's present Whitingham station and Mountain Mills station, and it is claimed that the business that would be done on the contemplated new location would not pay for operating and that the defendants thus under Act No. 318 would deprive the plaintiff of property without compensation, they claiming that no compensation is allowable for changing locations, but which would